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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,826	03/22/2004	Roger W. March	10519-116	4242

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EXAMINER
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PORTKA, GARY J

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,826	<b>Applicant(s)</b> MARCH ET AL.	
	<b>Examiner</b> Gary J Portka	<b>Art Unit</b> 2188	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/22/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. It is acknowledged that this is a division of 10/253,049, the first sentence of the specification should be amended to indicate that application is "now US Patent 6,738,883".

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on March 22, 2004 was considered by the examiner.

### ***Specification***

3. Applicant is requested to update the application nos. and status of copending cases listed at page 1 and throughout the specification.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeon, US Patent 6,000,023.
6. Claims 1, 3-7, 10, 13, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al., US Patent 5,890,169.

7. As to claims 1, 10, and 13, Jeon discloses a method for writing file system structures into a partition in a memory comprising creating a partition, reserving cells for file system structures of a first and a second file system, and storing the structures. See Jeon Fig. 5, col. 2 lines 54-67, and col. 4 line 55 to col. 4 line 2, where two file system FATs are reserved/stored in a partition (1<sup>st</sup>), even though the second is also considered to be in a second “overlapped” partition.

8. As to claims 1, 10, and 13, Wong discloses a method for writing file system structures into a partition in a memory comprising creating a partition, reserving cells for file system structures of a first and a second file system, and storing the structures. See Wong Abstract, Fig. 6, col. 7 lines 24-27 and 38-43, and col. 12 lines 29-63, where the CFAT file system encompasses a single partition, and reserves/stores the structures (Small FATs) of file systems B and C.

9. As to claims 2 and 3, Jeon allows for storing the file structures automatically (see col. 5 lines 5-8 and 29-39) and by a user (see col. 5 lines 26-29 and 40-45); the described steps allow for the setup of the overlapped partition, and consequently the storing of the second file structure.

10. As to claim 3, Wong discloses automatically storing the second file system structure (since only the single CFAT is visible to the user, col. 7 lines 24-27).

11. As to claims 4-7, the memories of Jeon and Wong may be considered organized into blocks and lines as recited.

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12. As to claims 16-18, Wong clearly intends the invention therein to be applied to DOS and other than DOS FAT file systems, as such systems are described at col. 2 lines 35-54.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8, 9, 11, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon, US Patent 6,000,023, in view of Zhang, US Patent 5,835,396, or alternatively over Wong et al., US Patent 5,890,169, in view of Zhang.

15. As to claims 8, 9, 11, 12, 14, and 15, neither Jeon nor Wong disclose a three dimensional write-once device. However, Zhang teaches that a write-once device that is advantageously implemented by a three-dimensional electronic device for improving density (see Abstract, column 1 lines 14-16 and 63-67, and column 2 lines 3-4 and 16-19). A clearly additional advantage over the use of a device such as a hard disk is the non-volatility, as well as reduced size, power, and cost since the disk drive apparatus would not be required. An artisan would have been motivated to implement a file system as taught by either Jeon or Wong in a three-dimensional write-once device as taught by Zhang to achieve the benefit of increased memory density, as well as non-volatility, reduced size, power, and cost. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use a three-dimensional write-once

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device, because this was a known way to increase memory density, provide non-volatility, and reduce size, power, and cost.

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J Portka whose telephone number is (521) 272-4211. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (521) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary J Portka  
Primary Examiner  
Art Unit 2188

September 29, 2004